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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,206	02/18/2004	Ben M. Cooper	BING-1-1077	5282
7590	02/17/2006		EXAMINER	
Michael S. Smith BLACK LOWE & GRAHAM PLLC Suite 4800 701 Fifth Avenue Seattle, WA 98104			LE, HUYEN D	
			ART UNIT	PAPER NUMBER
			3751	
DATE MAILED: 02/17/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/782,206	COOPER ET AL.	
	Examiner	Art Unit	
	Huyen Le	3751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 6,9,10 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,11-19 and 22-29 is/are rejected.
- 7) ☒ Claim(s) 7,8,21,30 and 31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/13/04&9/20/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of species III, Figures 3-7, in the reply filed on 12/02/2005 is acknowledged.
2. Currently, claims 1-5, 7, 8, 11-19, 21-31 are readable on species III.
3. Claims 6, 9, 10, 20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to the nonelected species, there being no allowable generic or linking claim.

Claim Objections

4. Claims 5 and 19 are objected to because of the following informalities: "the second wall" should be changed to --the second section--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 5, 11, 12, 15, 16, 19, 22, 25, 26, 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Schwertfeger et al (5,474,260).

The Springer Schwertfeger et al discloses an integrate lavatory unit (located at upper right section in Fig. 3) comprising: a first (left) section 14 including a commode 14A; a second section 14 (adjacent to the first) including a sink 14C; and a divider wall for separating the first and second sections 14.

Regarding claims 2, 16 and 26, the first section 14 also includes a sink 14C

Regarding claims 5, 19, a garbage bin behind the sink 14C (shown as 17 in Fig. 5) constitutes a third section that shares a wall with the first section and a wall of the section section.

Regarding claim 25, the aircraft would inherently include a propulsion system.

7. Claims 1, 4, 5, 11, 12, 15, 16, 18, 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Wentland et al (6,605,709).

The Wentland et al reference discloses a lavatory unit comprising: a first section 5 including a commode; a second section 6 including a sink (Figs. 3 and 4); and a divider wall 4 for separating the first and second sections 5,6.

Regarding claims 4 and 18, the first section 5 includes a door 1 mounted to a first external wall and the second section 6 includes a door mounted to a second exterior wall, the first exterior wall and the second exterior wall are approximately orthogonal.

Regarding claims 5 and 19, a section underneath the sink (in Fig. 4) constitutes a third section that shares a (right) wall with first section and an exterior wall w with the second section.

8. Claims 1, 2, 5, 11, 12-16, 23, 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Hohl (GB 2348215).

Art Unit: 3751

The Hohl reference discloses a lavatory unit (Figs. 1-3) comprising: a first (left) section 10 including a commode 14; a second (right) section 10 including a sink 18; and a divider wall 11 for separating the first and second sections 10.

Regarding claims 2 and 16, the first (left) section 10 also includes a sink 18.

Regarding claims 5 and 19, the unit comprises a third section (behind the cabinet 20 and member 22) that shares a wall 22 with the first section 10 and a wall 11 with the second section 10.

Regarding claims 11, 12 and 22 the functional statements of the intended use have been carefully considered but deemed not to impose any structural limitations on the claims distinguishable over the lavatory unit of Hohl which is capable of being used in a vehicle such as an aircraft.

Regarding claims 13, 14, 23, 24, the divider wall 11 comprises an arcuate wall which includes a concave portion proximate a center portion of the second (right) section 10.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwertfeger et al (5,474,260) in view of Itakura (D487,137).

Although the Schwertfeger et al reference does not disclose the first section includes a foldable baby-changing table, attention is directed to the Itakura reference which teaches a foldable baby-changing table in a lavatory (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Schwertfeger et al lavatory with a foldable baby changing table in view of the teaching of the Itakura reference for facilitating changing diapers in the lavatory.

11. Claims 3 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wentland et al (6,605,709) in view of Itakura (D487,137).

Although the Wentland et al reference does not disclose the first section includes a foldable baby-changing table, attention is directed to the Itakura reference which teaches a foldable baby-changing table in a lavatory (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Wentland et al lavatory with a foldable baby changing table in view of the teaching of the Itakura reference for facilitating changing diapers in the lavatory.

12. Claims 25, 28, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wentland et al (6,605,709) in view of Waters (4,202,061).

The Wentland et al reference discloses an aircraft comprising a fuselage; a lavatory unit having a first section 5 including a commode; a second section 6 including a sink (Figs. 3 and 4); and a divider wall 4 for separating the first and second sections 5,6.

Although the Wentland et al reference does not specifically disclose that the aircraft comprises a propulsion system, attention is directed to the Waters reference which teaches an aircraft having a propulsion system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the aircraft of Wentland with a propulsion system in view of the teaching of the Waters reference for driving the aircraft.

Regarding claim 28, the first section 5 includes a door 1 mounted to a first external wall and the second section 6 includes a door mounted to a second exterior wall, the first exterior wall and the second exterior wall are approximately orthogonal.

Regarding claim 29, a section underneath the sink (in Fig. 4) constitutes a third section that shares a (right) wall with first section and an exterior wall w with the second section.

13. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wentland et al (6,605,709) in view of Waters (4,202,061) above and further in view of Itakura (D487,137).

Although the Wentland et al reference does not disclose the first section includes a foldable baby-changing table, attention is directed to the Itakura reference which teaches a foldable baby-changing table in a lavatory (Fig. 16).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the Wentland et al lavatory with a foldable baby changing table in view of the teaching of the Itakura reference for facilitating changing diapers in the lavatory.

Allowable Subject Matter

14. Claims 7, 8, 21, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Springer, Evans and Crocoli references teach a lavatory unit having a divider wall, a first section and a second section.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on 571-272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


AU 3751